

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

SONY DISCOS, INC., ET AL.

VS.

E.J.C. FAMILY PARTNERSHIP, LTD,  
ET AL.

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C.A. NO. H-02-3729

JURY

**DEFENDANTS' MOTION FOR ATTORNEY FEES**

E.J.C. Family Partnership, E.J.C. Enterprises, Inc. and Elwyn J. Cole asks the court to award attorney fees and other related nontaxable expenses. Fed. R. Civ. P. 54(d)(2)(B).

A. Introduction

1. Plaintiffs are Sony Discos, Inc., et al.; defendants are E.J.C. Family Partnership, Ltd., E.J.C. Enterprises, Inc. and Elwyn J. Cole.

2. Plaintiffs sued defendants for vicarious liability and contributory copyright infringement.

3. The court granted summary judgment in favor of defendants, and the clerk entered the judgment on March 31, 2010.

B. Argument

4. Defendants are entitled to an award of attorney fees because defendants are the prevailing party in an action under the Copyright Act, and the losing party is not the United States. 17 U.S.C. § 505.

5. Defendants seek \$282,182.00 as the fair and reasonable amount of attorney fees.

C. Conclusion

6. For these reasons, defendants ask the court to award attorney fees to E.J.C. Family Partnership, Ltd., et. al.

Respectfully submitted,

/s/ Stephen S. Andrews by permission/SAM

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ATTORNEY IN CHARGE FOR DEFENDANTS

E.J.C. FAMILY PARTNERSHIP, LTD.,

E.J.C. ENTERPRISES, INC. AND

ELWYN J. COLE

**CERTIFICATE OF SERVICE**

This pleading was served in compliance with Rule 5 of the Federal Rules of Civil Procedure on April 20, 2010 by forwarding copies to:

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/s/Stephen S. Andrews by permission  
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Stephen S. Andrews

**CERTIFICATE OF CONFERENCE**

I certify that I attempted to confer with Robert L. Levy by telephone, but was told that Mr. Levy is no longer with the law firm of Haynes and Boone and it was not immediately known who had taken over the file. I certify that I attempted to confer with Jeffrey D. Goldman and was told that he is no longer at the firm of Mitchell Silberberg & Knupp. I certify that I attempted to confer with Russell J. Frackman by telephone, but Mr. Frackman has not responded to my attempt. Accordingly, I cannot represent to the court whether counsel opposes or does not oppose the foregoing motion.

/s/Stephen S. Andrews by permission

/SAM

Stephen S. Andrews

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**ORDER ON DEFENDANTS' MOTION FOR ATTORNEY FEES**

Pending is defendants, E.J.C. Family Partnership, Ltd., E.J.C. Enterprises, Inc. and Elwyn J. Cole's, motion for attorney fees and costs. The Motion is granted and the plaintiffs are ORDERED to pay the sum of \$282,182.00 to defendants as attorneys fees taxed as costs.

SIGNED on \_\_\_\_\_, 2010 at Houston, Texas.

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UNITED STATES DISTRICT JUDGE